SINGLE BENCH (4)

(1) CF No. 2007

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W.P. (S) No. 876 / 2007

PETITIONER : 1. Hemant Kumar Ratre. S/o. Shri Bhurthu Ram Ratre , Aged about 38 years, Assistant Teacher, Govt. Middle School – Bandora, Block – Malkharoda, Distt.– Janjgir-Champa (C.G.)

2. Parmeshwar Lal Tandey, S/o. Shri Sadanand Tandey, Aged about 38 years, Assistant Teacher, Govt. Hr. Sec. School – Misda, Block – Nawagarh, Distt.– Janjgir-Champa (C.G.)

P.R. No. 102962 Presented by Shri A.S. Rajput Dated 21.2.07

RECEIVED-COPY 7/2/07 CLERK to A. G. BILASPUR

VERSUS

RESPONDENTS : 1. State of Chhattisgarh & Others Through- The Secretary, Department of Education, D.K.S. Bhawan, Raipur (C.G.)

2. Director Public Instruction Chhattisgarh Govt. Raipur

3. District Education Officer, Distt. – Janjgir-Champa (C.G.)

COMMISSIONER APARNA MALVIYA CG 06/09/06 Bilaspur Chhattisgarh

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRIT, WRITS, DIRECTION ETC TO DO JUSTICE IN THE MATTER.

(26)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 875 of 2007

Petitioners : Dhani Ram Banjare and others

Versus

Respondents : State of Chhattisgarh & others

W.P. (S) No. 876 of 2007

Petitioners : Hemant Kumar Ratre and another

Versus

Respondents : State of Chhattisgarh & others

And

W.P. (S) No. 887 of 2007

Petitioners : Birbal Prasad Sonwani and others

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Mr. Anil Singh Rajput, Advocate for the Petitioners.
Ms. Deepali Pandey, Panel lawyer for the State/respondents.

ORDER

(Passed on this 14th day of February, 2007)

1. The petitioners are working as Assistant Teachers in the government school. In the course of their services as Assistant Teachers, the petitioners have obtained B.T.I. Examination Certificates on their own expenses before 1.3.1999.

2. Learned counsel appearing for the petitioners submits that the question involved, herein asto whether the teachers, who obtained B.T.I. Examination Certificates on their own expenses, are entitled to two advance increments.

(27)

3. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 (Annexure P/7) issued by the State Government of Madhya Pradesh.

4. Learned counsel for the petitioners further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

5. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioners have acquired B.T.I. Examination Certificates on their own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether they have been paid two advance increments or not. No order as to costs.

6. A copy of this order be placed on record in connected writ petitions.

Sd/-
Satish K. Agnihotri
Judge

Bablu